

REMARKS

As stated above, Applicant is requesting that this response serve as a substitute for the response of December 23, 2003 (which the Examiner deemed not to be fully responsive to the Office Action).

The claims are now clearly focused on the compositions which were the subject of the prior prosecution in this application, but have been further amended.

More specifically, claim 1 (the only remaining independent claim) has been amended to recite that the invention includes substantially anhydrous calcium lactate; calcium oxide; and substantially anhydrous or calcined magnesium sulfate. None of the references, alone or in combination, anticipate or make obvious the invention as now claimed. Calcium lactate has been present throughout prosecution in the dependent claims. The use of anhydrous calcium lactate is described at various points in the application, including on page 11.

The Examiner is relying on the combination of five references to reject the former claim 1. The Examiner has acknowledged that the base reference (Takaichi et al.) does not teach the use of calcium lactate, much less substantially anhydrous calcium lactate. The only reference relied on by the Examiner for the disclosure of calcium lactate is Theeuwes. The Theeuwes invention is quite far afield from the present invention as now claimed. (See Theeuwes drawings).

More importantly, as understood by Applicant's representative, the use of calcium lactate in Theeuwes appears in a general list of inorganic and organic salts (Col. 7, Line 18). Its use is restricted to those instances in which no component is sufficient to create an osmotic pressure gradient; in other words, these salts are merely additives to increase the osmotic pressure gradient.

There is simply that no suggestion that calcium lactate (particularly in its anhydrous form) be plucked from a "laundry list" of compounds in Theeuwes which are used to produce an osmotic pressure gradient, and added to the base reference, Takaichi et al.

None of the references alone or in combination anticipate or make obvious the claims as now recited.

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 12000-0001 from which the undersigned is authorized to draw.

Dated: June 3, 2004

Respectfully submitted,

By _____

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